

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHRISTOPHER CLAYTON POPKINS
4337 Ironwood Drive
Chino Hills, CA 91709

Registered Nurse License No. 558862

Respondent

Case No. 2012-583

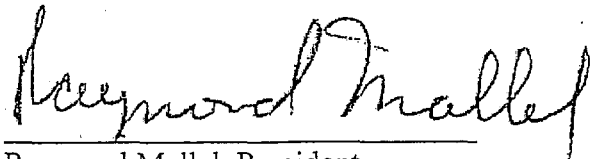
OAH No. 2012040696

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 4, 2013.**

IT IS SO ORDERED **February 2, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-583
OAH No. 2012040696

12 **CHRISTOPHER CLAYTON POPKINS**
4337 Ironwood Drive
13 Chino Hills, CA 91709

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Registered Nurse License No. 558862,**
15
16 **Respondent.**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the
21 Board of Registered Nursing ("Board"), Department of Consumer Affairs. Complainant brought
22 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,
23 Attorney General of the State of California, by and through Matthew A. King, Deputy Attorney
24 General.

25 2. Respondent Christopher Clayton Popkins ("Respondent") is representing himself in
26 this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 17, 1999, the Board of Registered Nursing issued Registered
28 Nurse License No. 558862 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2012-583 and will expire on
2 September 30, 2012, unless it is renewed.

3 **JURISDICTION**

4 4. Accusation No. 2012-583 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on March 30, 2012. Respondent timely filed his Notice of Defense contesting the
7 Accusation.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 2012-583. Respondent has also carefully read, and understands the effects of this
11 Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
14 his own expense; the right to confront and cross-examine the witnesses against him; the right to
15 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
16 the attendance of witnesses and the production of documents; the right to reconsideration and
17 court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 2012-583.

24 9. Respondent agrees that his Registered Nurse License is subject to discipline and he
25 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
26 below.

27 **CONTINGENCY**

28 10. The parties understand and agree that facsimile copies of this Stipulated Settlement

1 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
2 effect as the originals.

3 11. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
4 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
5 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
6 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
7 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
8 writing executed by an authorized representative of each of the parties.

9 12. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or formal proceeding, issue and enter the following
11 Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Registered Nurse License No. 558862 issued to
14 Respondent Christopher Clayton Popkins is revoked. However, the revocation is stayed and
15 Respondent is placed on probation for a period of three (3) years.

16 **Severability Clause.** Each condition of probation contained herein is a separate and
17 distinct condition. If any condition of this Order, or any application thereof, is declared
18 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
19 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
20 and enforceable to the fullest extent permitted by law.

21 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
22 A full and detailed account of any and all violations of law shall be reported by Respondent to the
23 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
24 compliance with this condition, Respondent shall submit completed fingerprint forms and
25 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
26 as part of the licensure application process.

27 **Criminal Court Orders:** If Respondent is under criminal court orders, including
28 probation or parole, and the order is violated, this shall be deemed a violation of these probation

conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every

1 state and territory in which he has a registered nurse license.

2 **6. Function as a Registered Nurse.** Respondent, during the period of
3 probation, shall engage in the practice of registered nursing in California for a minimum of
4 twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

5 For purposes of compliance with the section, "engage in the practice of registered nursing"
6 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
7 non-direct patient care position that requires licensure as a registered nurse.

8 The Board may require that advanced practice nurses engage in advanced practice nursing
9 for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as
10 determined by the Board.

11 If Respondent has not complied with this condition during the probationary term, and
12 Respondent has presented sufficient documentation of his good faith efforts to comply with this
13 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
14 extension of Respondent's probation period up to one year without further hearing in order to
15 comply with this condition. During the one year extension, all original conditions of probation
16 shall apply.

17 **7. Employment Approval and Reporting Requirements.** Respondent shall
18 obtain prior approval from the Board before commencing or continuing any employment, paid or
19 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
20 performance evaluations and other employment related reports as a registered nurse upon request
21 of the Board.

22 Respondent shall provide a copy of this Decision to his employer and immediate
23 supervisors prior to commencement of any nursing or other health care-related employment.

24 In addition to the above, Respondent shall notify the Board in writing within seventy-two
25 (72) hours after he obtains any nursing or other health care related employment. Respondent
26 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
27 regardless of cause, from any nursing, or other health care related employment with a full
28 explanation of the circumstances surrounding the termination or separation.

1 8. **Supervision.** Respondent shall obtain prior approval from the Board
2 regarding Respondent's level of supervision and/or collaboration before commencing or
3 continuing any employment as a registered nurse, or education and training that includes patient
4 care.

5 Respondent shall practice only under the direct supervision of a registered nurse in good
6 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
7 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
8 approved.

9 Respondent's level of supervision and/or collaboration may include, but is not limited to the
10 following:

11 (a) Maximum - The individual providing supervision and/or collaboration is
12 present in the patient care area or in any other work setting at all times.

13 (b) Moderate - The individual providing supervision and/or collaboration is in the
14 patient care unit or in any other work setting at least half the hours Respondent works.

15 (c) Minimum - The individual providing supervision and/or collaboration has
16 person-to-person communication with Respondent at least twice during each shift worked.

17 (d) Home Health Care - If Respondent is approved to work in the home health
18 care setting, the individual providing supervision and/or collaboration shall have person-to-person
19 communication with Respondent as required by the Board each work day. Respondent shall
20 maintain telephone or other telecommunication contact with the individual providing supervision
21 and/or collaboration as required by the Board during each work day. The individual providing
22 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
23 patients' homes visited by Respondent with or without Respondent present.

24 9. **Employment Limitations.** Respondent shall not work for a nurse's
25 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
26 traveling nurse, or for an in-house nursing pool.

27 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
28 registered nursing supervision and other protections for home visits have been approved by the

1 Board. Respondent shall not work in any other registered nursing occupation where home visits
2 are required.

3 Respondent shall not work in any health care setting as a supervisor of registered nurses.
4 The Board may additionally restrict Respondent from supervising licensed vocational nurses
5 and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing or as an
7 instructor in a Board-approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
11 request documentation to determine whether there should be restrictions on the hours of work.

12 10. **Complete a Nursing Course.** Respondent, at his own expense, shall
13 enroll and successfully complete a course relevant to the practice of registered nursing no later
14 than six months prior to the end of his probationary term.

15 Respondent shall obtain prior approval from the Board before enrolling in the course.
16 Respondent shall submit to the Board the original transcripts or certificates of completion for the
17 above required course. The Board shall return the original documents to Respondent after
18 photocopying them for its records.

19 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
20 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
21 amount of **\$3,547.50**. Respondent shall be permitted to pay these costs in a payment plan
22 approved by the Board, with payments to be completed no later than three months prior to the end
23 of the probation term.

24 If Respondent has not complied with this condition during the probationary term, and
25 Respondent has presented sufficient documentation of his good faith efforts to comply with this
26 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
27 extension of Respondent's probation period up to one year without further hearing in order to
28 comply with this condition. During the one year extension, all original conditions of probation

1 will apply.

2 **12. Violation of Probation.** If Respondent violates the conditions of his
3 probation, the Board, after giving Respondent notice and an opportunity to be heard, may set
4 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
5 license.

6 If during the period of probation, an accusation or petition to revoke probation has been
7 filed against Respondent's license or the Attorney General's Office has been requested to prepare
8 an accusation or petition to revoke probation against Respondent's license, the probationary
9 period shall automatically be extended and shall not expire until the accusation or petition has
10 been acted upon by the Board.

11 **13. License Surrender.** During Respondent's term of probation, if he ceases
12 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
13 probation, Respondent may surrender his license to the Board. The Board reserves the right to
14 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
15 take any other action deemed appropriate and reasonable under the circumstances, without further
16 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
17 longer be subject to the conditions of probation.

18 Surrender of Respondent's license shall be considered a disciplinary action and shall
19 become a part of Respondent's license history with the Board. A registered nurse whose license
20 has been surrendered may petition the Board for reinstatement no sooner than the following
21 minimum periods from the effective date of the disciplinary decision:

22 (1) Two years for reinstatement of a license that was surrendered for any reason other
23 than a mental or physical illness; or

24 (2) One year for a license surrendered for a mental or physical illness.

25 **14. Physical Examination.** Within 45 days of the effective date of this
26 decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
27 physician assistant, who is approved by the Board before the assessment is performed, submit an
28 assessment of the Respondent's physical condition and capability to perform the duties of a

1 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
2 medically determined, a recommended treatment program will be instituted and followed by the
3 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
4 to the Board on forms provided by the Board.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed physician, nurse practitioner, or physician assistant making this determination shall
7 immediately notify the Board and Respondent by telephone, and the Board shall request that the
8 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
9 immediately cease practice and shall not resume practice until notified by the Board. During this
10 period of suspension, Respondent shall not engage in any practice for which a license issued by
11 the Board is required until the Board has notified Respondent that a medical determination
12 permits Respondent to resume practice. This period of suspension will not apply to the reduction
13 of this probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day
15 requirement, Respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
19 by the Respondent to obtain the assessment, and a specific date for compliance must be provided.
20 Only one such waiver or extension may be permitted.

21 **15. Participate in Treatment/Rehabilitation Program For Chemical**
22 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
23 period or shall have successfully completed prior to commencement of probation a Board-
24 approved treatment/rehabilitation program of at least six months duration. As required, reports
25 shall be submitted by the program on forms provided by the Board. If Respondent has not
26 completed a Board-approved treatment/rehabilitation program prior to commencement of
27 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
28 a program. If a program is not successfully completed within the first nine months of probation,

1 the Board shall consider Respondent in violation of probation.

2 Based on Board recommendation, each week Respondent shall be required to attend at
3 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
4 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by
5 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent
6 shall be added. Respondent shall submit dated and signed documentation confirming such
7 attendance to the Board during the entire period of probation. Respondent shall continue with the
8 recovery plan recommended by the treatment/rehabilitation program or a licensed mental health
9 examiner and/or other ongoing recovery groups.

10 16. **Abstain From Use of Dangerous Drugs, Controlled Substances, and**
11 **Psychotropic Drugs.** Respondent shall abstain completely from the possession, injection or
12 consumption by any route of all dangerous drugs, controlled substances, and psychotropic (mood
13 altering) drugs, including alcohol, except when the same are ordered by a health care professional
14 legally authorized to do so as part of documented medical treatment. Respondent shall have sent
15 to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a
16 report identifying the medication, dosage, the date the medication was prescribed, the
17 Respondent's prognosis, the date the medication will no longer be required, and the effect on the
18 recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or physician
20 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
21 monitor any prescriptions for Respondent for dangerous drugs, controlled substances, or
22 psychotropic drugs. The coordinating physician, nurse practitioner, or physician assistant shall
23 report to the Board on a quarterly basis Respondent's compliance with this condition. If any
24 substances considered addictive have been prescribed, the report shall identify a program for the
25 time limited use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or physician
27 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
28 medicine.

1 17. **Submit to Tests and Samples.** Respondent, at his expense, shall
2 participate in a random, biological fluid testing or a drug screening program which the Board
3 approves. The length of time and frequency will be subject to approval by the Board. Respondent
4 is responsible for keeping the Board informed of his current telephone number at all times.
5 Respondent shall also ensure that messages may be left at the telephone number when he is not
6 available and ensure that reports are submitted directly by the testing agency to the Board, as
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the
8 program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully cooperate
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
12 hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized and not
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
16 practice pending the final decision on the petition to revoke probation or the accusation. This
17 period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug screening
19 program within the specified time frame, he shall immediately cease practice and shall not resume
20 practice until notified by the Board. After taking into account documented evidence of mitigation,
21 if the Board files a petition to revoke probation or an accusation, the Board may suspend
22 Respondent from practice pending the final decision on the petition to revoke probation or the
23 accusation. This period of suspension will not apply to the reduction of this probationary time
24 period.

25 18. **Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this decision, have a mental health examination including psychological testing
27 as appropriate to determine his capability to perform the duties of a registered nurse. The
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a
2 written report of that assessment and recommendations to the Board. All costs are the
3 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
4 result of the mental health examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed mental health care practitioner making this determination shall immediately notify the
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
9 practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day
15 requirement, Respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
20 Only one such waiver or extension may be permitted.

21 **19. Therapy or Counseling Program.** Respondent, at his expense, shall
22 participate in an on-going counseling program until such time as the Board releases him from this
23 requirement and only upon the recommendation of the counselor. Written progress reports from
24 the counselor will be required at various intervals.

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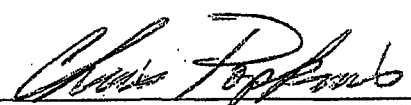
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 8/27/12 
CHRISTOPHER CLAYTON POPKINS
Respondent

ENDORSEMENT

I hereby submit the foregoing Stipulated Settlement and Disciplinary Order for consideration by the Board.

Dated: 8/27/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

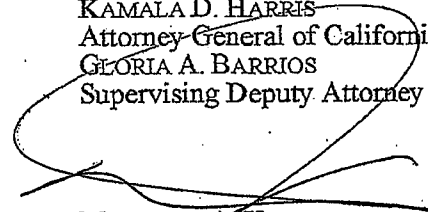

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2012-583

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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-583

CHRISTOPHER CLAYTON POPKINS

4337 Ironwood Drive
Chino Hills, CA 91709

ACCUSATION

Registered Nurse License No. 558862

Respondent.

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs ("Board").

2. On or about August 17, 1999, the Board issued Registered Nurse License No. 558862 to Christopher Clayton Popkins ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

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JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

6. Section 118, subdivision (b) of the Code, provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 490 of the Code provides, as follows:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a

significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law."

8. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof..."

9. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof..."

REGULATORY PROVISION

10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

AA conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare...@

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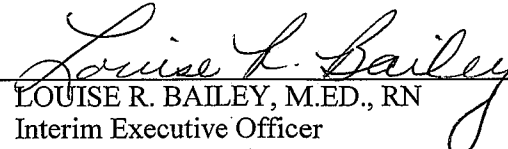
1 1. Revoking or suspending Registered Nurse License No. 558862, issued to Christopher
2 Clayton Popkins;

3 2. Ordering Christopher Clayton Popkins to pay the Board the reasonable costs of the
4 investigation and enforcement of this case, pursuant to section 125.3; and

5 3. Taking such other and further action as deemed necessary and proper.

6
7 DATED:

March 30, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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